



Problem Solving Courts Committee

Meeting Minutes

October 22, 2010

1:00 pm – 3:00 pm

Indiana Judicial Center, 8th floor Conference Center

I. Call to order and review of minutes

The meeting was called to order at 1:10 p.m. Members present included Judge John Surbeck, Judge Barbara Collins, Judge Wayne Trockman, Judge Thomas Newman, Chris Cunningham, Judge Jon Dartt, Judge Julia Jent, Judge Jose Salinas, Judge Jane Woodward Miller, Judge Jeffrey Todd, Don Travis, and Judge Brett Niemeier. Others present included IJC staff members Mary Kay Hudson, Diane Mains, Jamie Bergacs and Justin Miller.

Members reviewed and approved minutes from the last meeting held April 30, 2010.

II. Introduction of new committee members

The following new members were introduced and welcomed to the committee: Judge Thomas Newman, Madison County; Judge Julia Jent, Porter County; Judge Jane Woodward Miller, St. Joseph County and Judge Brett Niemeier, Vanderburgh County.

III. Education subcommittee report

Don Travis, Education Subcommittee, Co-Chair, provided the education subcommittee report.

- **Bridges Out of Poverty**

Mr. Travis reported that eighty-six problem-solving court staff, court alcohol and drug staff and probation officers were in attendance at the one day Bridges Out of Poverty workshop held August 6, 2010 at IJC. Mr. Travis reported that overall the workshop received positive feedback. Some in attendance indicated that they would have liked for the workshop to have focused more on the application of the strategies.

- **Reentry Court Planning Training**

Mr. Travis reported to the committee that thirty-six team members attended the first Problem-Solving Court Team Planning Training held at IJC on August 10-12, 2010. The score for the overall training was 4.46 out of 5.0 and the usefulness of this training received 4.38 out of 5.0.

- **2010 PSC Workshop**

Mr. Travis reported that one-hundred and ninety-eight problem-solving court team members attended the 2010 PSC Workshop, held October 6 and 7, 2010 at the Marriott Renaissance Indianapolis North Hotel. This is similar to the attendance at the 2009 PSC Workshop (approximately 205). A summary of the workshop evaluations was distributed to the committee for review.

- **PSC staff orientation**

Mr. Travis reported the subcommittee is currently working on an agenda for the problem-solving court staff orientation.

IV. Problem-Solving Court Interim Rules, Drug Court Rules and Reentry Court Rules update

Diane Mains advised committee members that technical amendments to the Problem-Solving Court Interim Rules, Drug Court Rules and Reentry Court Rules were approved by the Judicial Conference of Indiana Board of Directors on September 20, 2010. The technical changes were intended to update statutory references and ensure consistency among the three sets of rules. The changes to the Interim Rules were effective immediately and the changes to the Drug Court and Reentry Court Rules are effective on October 20, 2010.

V. Workgroup rules update and discussion of draft rules to date

- **Discharge procedures**

Diane Mains presented the problem-solving court rules workgroup's recommendation regarding discharge procedures. The recommended discharge procedures require the problem-solving court to establish written policy and procedure for processing the discharge, successful completion or termination, for all participants under the problem-solving court's jurisdiction. Termination proceedings shall include the following participant rights:

- written notice of the alleged violation(s);
- a hearing in open court before the problem-solving court judge or another judicial officer;
- representation by counsel;
- disclosure of the evidence against the participant;
- an opportunity to be heard and present evidence;
- confrontation and cross-examination of witnesses; and
- a determination that the participant violated one or more conditions of the participant's case plan or participation agreement by a preponderance of the evidence.

- **Staff requirements**

Diane Mains presented the problem-solving court rules workgroup's recommendation regarding staff requirements focusing on staff qualifications, staff orientation and continuing education requirements and the consequences of failing to meet those requirements. The workgroup recommended the following:

- A problem-solving court must have written evidence that the problem-solving court coordinator complies with at least one (1) of the following descriptions:
 - (1) has a baccalaureate degree from an accredited university or college, and the equivalent of three (3) years of full-time paid experience in criminal justice or a human services, or
 - (2) has an advanced degree from an accredited university or college in criminal justice or human services; or
 - (3) was employed as a problem-solving court coordinator before July 1, 2010.
- A problem-solving court must have written evidence that each case manager and each staff member performing intake and referral or risk assessment complies with at least one (1) of the following:

- (1) has a baccalaureate degree from an accredited university or college; or
- (2) was employed by a problem-solving court as a case manager or a staff member performing intake and referral or risk assessment before July 1, 2010.

- The problem-solving court coordinator and each case manager must complete a staff orientation program approved by the Problem-Solving Courts Committee within the staff member's first year of employment with the problem-solving court.
- The problem-solving court coordinator and each case manager must document twenty (20) hours annually of job specific continuing education approved by the supervising judge, beginning in the second year of employment with the problem-solving court.
- A coordinator or case manager who fails to attend the staff orientation program within the first year of employment or fails to document twenty (20) hours annually of job specific continuing education approved by the supervising judge beginning in the second year of employment, is prohibited from performing his or her job functions except as authorized by the Indiana Judicial Center.

(A) The Indiana Judicial Center shall notify the supervising judge in writing of the Judicial Center's decision to suspend or otherwise place restrictions on a coordinator's or case manager's ability to perform his/her job functions.

(B) The Indiana Judicial Center's decision becomes final on the thirtieth (30th) day following the date of the written notification to the supervising judge unless the supervising judge submits written objections to the Indiana Judicial Center before the expiration of the thirty-day period.

(C) If the Indiana Judicial Center and the supervising judge are unable to resolve the dispute, the supervising judge may request a hearing within fifteen (15) days from the date of the Indiana Judicial Center's written response to the supervising judge's objections.

The Problem-Solving Courts Committee approved the workgroup's recommendations on the above sections of the Problem-Solving Court Rules.

VI. Discussion of PSC records retention schedule

Diane Mains recommended to the committee that problem-solving courts have a separate retention schedule for case managers' participant files to be added to Administrative Rule 7. Currently problem-solving courts rely on the probation records retention schedule. The committee approved a retention schedule with an earliest records destruction date of 6 years, however it would not require records destruction at 6 years. Ms. Mains will work with the appropriate Division of State Court Administration staff to request an amendment to Admin. Rule 7. Additionally, Ms. Mains will work with State Court Administration to request amendment to Administrative Rule 9 to ensure the confidentiality of problem-solving court participant files.

VII. Discussion of possible 2011 PSC legislative issues

The committee discussed possible legislative issues for the upcoming session including synthetic cannabis (K2/Spice), drug court funding, and amending the problem-solving

court user fee fund statutes (IC 33-37-8) to ensure that problem-solving court fees are dedicated for problem-solving court use.

VIII. Discussion of possible PSC research projects

Mary Kay Hudson reported to the committee that she is looking to apply for a federal grant in the spring of 2011 to fund a research project. Ms. Hudson recommends the research project focus on reentry courts and juvenile courts since drug courts were the focus of the 2005 research project. The committee is in support of Ms. Hudson applying for such a grant.

IX. Weighted caseload study update

Mary Kay Hudson reported that problem-solving courts are being asked to take part in the weighted caseload study. There was some discussion among committee members as to whether administrative time in being requested. Mary Kay Hudson to clarify with Jeff Bercovitz if administrative time in being requested and follow-up with committee members via electronic mail. Judge Surbeck advised he will also contact Mr. Bercovitz.

X. Schedule future meeting dates

Committee members scheduled the next committee meeting for January 28, 2011 at 1:00 p.m. The remaining meetings for 2011 will be scheduled at the January meeting.

XI. Adjourn

Judge Surbeck adjourned the meeting at 2:37 p.m.